

UNITED STATES DISTRICT COURT

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EASTERN DISTRICT OF WASHINGTON

Oct 06, 2020

SEAN F. McAVOY, CLERK

UNITED STATES OF AMERICA,

No. 4:20-CR-6018-SAB-2

Plaintiff,

ORDER DENYING DEFENDANT'S
MOTION TO MODIFY
CONDITIONS OF RELEASE AND
GRANTING THE UNITED
STATES' MOTION FOR
DETENTION

vs.

CAMERON EARL CAMPBELL,

Defendant.

ECF Nos. 27, 111

On Monday, October 05, 2020, the Court conducted a status hearing to consider the United States' Motion for Detention (ECF No. 27) and Defendant's Motion to Modify Conditions of Release (ECF No. 111). Pursuant to General Order 20-101-3 and the CARES Act, Pub. L. No. 116-136 (H.R. 748) (eff. March 27, 2020), the Court found that video conferencing was not reasonably available for Defendant. With his consent, Defendant appeared by telephone, represented by Scott Johnson. Assistant United States Attorney Caitlin Baunsgard represented the United States.

On Friday, September 04, 2020, the Court ordered that Defendant be temporarily released from custody for the purposes of participating in inpatient treatment at American Behavioral Health Services (ABHS) in Spokane and deferred ruling on the United States' Motion for Detention (ECF No. 27) until

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1 Defendant completed treatment at ABHS. ECF No. 103. Defendant completed his
2 treatment at ABHS and was released on Monday, October 05, 2020.

3 Defendant requested that the Court modify his conditions of release to allow
4 him to reside with either his mother or his wife and to be placed on location
5 monitoring. ECF No. 111. The Court has considered this proposed release plans,
6 the pretrial service reports (ECF Nos. 34, 67, 75, and 115), the arguments and
7 proffers of the parties, and evaluated the four factors outlined in 18 U.S.C. §
8 3142(g) to decide whether there were conditions of release that would reasonably
9 assure Defendant's appearance in court and the safety of the community: (1) the
10 nature and circumstances of the offense; (2) the weight of evidence against
11 Defendant; (3) the history and characteristics of Defendant; and (4) the nature and
12 seriousness of the danger Defendant would present to the community if released.
13 Based on these factors as outlined at the hearing and in this order, the Court denies
14 Defendant's motion to modify and grants the United States' Motion for Detention.

15 Due to the nature of the charge, there is a rebuttable presumption of
16 detention in this case. Defendant is charged with conspiring to distribute fentanyl
17 and possession with intent to distribute fentanyl. The United States proffered that
18 Defendant was involved in trafficking large quantities of fentanyl, which involved
19 him making trips between Mexico and the United States. It was proffered that
20 after a return from Mexico, a search was executed on his backpack and law

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1 enforcement located 15,000 fentanyl pills. It was proffered that one of
2 Defendant's proposed release addresses—the residence where he lived with his
3 wife prior to his arrest—was subject to a search warrant where loose pills were
4 discovered. The United States also proffered Defendant's wife has admitted to
5 struggling with addiction issues, which causes the United States concern should
6 Defendant be released to live with her during the infancy of his sobriety. The
7 Court was given no information whether she is currently seeking substance abuse
8 treatment. Moreover, the United States has proffered that she had criminal
9 exposure in this matter, making her a potential co-defendant and/or witness in the
10 underlying prosecution.

11 The weight of the evidence is the least important factor and Defendant is
12 entitled to a presumption of innocence. Based on the United States' proffer, there
13 is sufficient evidentiary weight to the case to give the Court concern as to
14 dangerousness and risk of nonappearance.

15 Turning to his history and characteristics, Defendant is 29 years old and was
16 born in Richland, Washington. He is a lifelong resident of the Tri-Cities area. His
17 mother, two siblings, and his wife all reside in the district. Prior to his arrest,
18 Defendant resided with his wife and her two children in Richland, Washington.
19 Defendant does not currently have a United States passport as it was seized related
20 to the instant offense. Defendant reported that he had taken a trip to Mexico in

1 February 2020 for vacation and denied any other foreign travel. In contrast, the
2 United States reported that Defendant had made 16 crossings to Mexico since
3 December of 2019. Defendant was not employed at the time of his arrest, though
4 he believes he could secure employment were he to be granted pretrial release.

5 Defendant has a substantial criminal history beginning at the age of 18.
6 Notably, Defendant has been charged with possession of a controlled substance on
7 five occasions (in 2009, 2010, 2011, 2013, and 2014) and delivery of heroin in
8 2011. He has been convicted of several weapons offenses, including possession of
9 a dangerous weapon twice in 2013 and once in 2014, aiming a firearm at a person
10 in 2013, and fourth degree assault in 2014. He was also convicted of several
11 counts of burglary and financial fraud in 2015. He completed his term of DOC
12 supervision in September 2019, one month before the new conspiracy charge is
13 alleged to have arose.

14 While the Court recognizes Defendant successfully completed inpatient
15 treatment, the limited capacity of the United States Probation Office to provide the
16 highly structured supervision Defendant would need due to COVID-19 gives the
17 Court concerns about releasing Defendant. Given the limited pretrial supervision
18 available at this time due to COVID, including no home visits, limited drug testing,
19 and substance abuse treatment being conducted mostly virtually, the Court finds
20 that there are insufficient conditions available at this time to assure Defendant's

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1 appearance at future court hearings and the safety of the community if he were to
2 be released.

3 Defendant has not rebutted the presumption of detention. Moreover, the
4 Court finds by clear and convincing evidence there are no conditions or
5 combination of conditions other than detention that will ensure the safety of the
6 community and the Defendant's appearance at future court hearings.

7 **ACCORDINGLY, IT IS ORDERED:**

8 1. The United States' Motion for Detention (**ECF No. 27**) is
9 **GRANTED.**

10 2. The Motion to Modify Conditions of Release (**ECF No. 111**) is
11 **DENIED.**

12 3. Defendant shall be committed to the custody of the Attorney
13 General pending disposition of this case or until further order of the Court.
14 Defendant shall be afforded reasonable opportunity for private consultation with
15 counsel. On order of a court of the United States or on request of an attorney for
16 the United States, the person in charge of the corrections facility in which
17 Defendant is confined shall deliver Defendant to a United States Marshal for the
18 purpose of an appearance in connection with a court proceeding.

19 4. If a party desires this Court to reconsider conditions of release
20 because of material and newly discovered circumstances under 18 U.S.C. §

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1 3142(f), that party shall file a motion with the Court, served upon the United
2 States Attorney, stating what circumstances are new, how they are established,
3 and the requested change in conditions of release.

4 5. If a party seeks review of this Order by another court pursuant to 18
5 U.S.C. § 3145(b), counsel shall adhere to the Detention Order Review Protocol
6 found in LCrR 46(k).

7 DATED October 6, 2020.

8 s/Mary K. Dimke
9 MARY K. DIMKE
10 UNITED STATES MAGISTRATE JUDGE
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